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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	C.A. Blau et al.	Attorney Docket No.:	UWOTL115624
Application No.:	09/582,916	Group Art Unit:	1632
Filed:	October 2, 2000	Examiner:	A.M.S. Wehbe

Title: METHODS OF CONTROLLING CELL DIFFERENTIATION AND GROWTH USING A FUSION PROTEIN AND A DRUG

SUMMARY OF EXAMINER INTERVIEW ON MAY 13, 2005

Seattle, Washington 98101

June 10, 2005

TO THE COMMISSIONER FOR PATENTS:

Applicants and applicants' attorneys acknowledge with appreciation the helpful comments and suggestions made by the Examiner during a telephone interview on May 13, 2005. The participants in the telephone interview were co-inventor Dr. C.A. Blau and applicants' attorney Karen Blöchlinger. The following is a summary of the interview.

The pending claims were discussed in view of U.S. Patent No. 5,741,899 (Capon et al.), Fuh et al. (1992) *Science* 256:1577-80 (of record), and a document describing results obtained in Dr. Blau's laboratory on January 2, 1997, which was provided to the Examiner prior to the interview for discussion purposes. The document shows drug response curves of cells that contain a fusion protein containing 3 copies of a drug-binding domain linked to the Flk-2 (also known as Flt-3) signaling domain and that are treated with two different drugs.

Dr. Blau provided a brief overview of the advantages of the claimed invention, and clarified that Figure 1 of Fuh et al. demonstrates that saturating the hGH receptor with hGH results in antagonistic effects on cell proliferation. Dr. Blau described that the document provided to the Examiner shows that the same principle applies to the drugs used in the methods of the invention. Dr. Blau also explained that the concentration of drug needed to saturate the receptor depends on the level of expression of the fusion protein. The Examiner stated that

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

additional evidence in support of the argument that saturating concentrations of drugs would not result in proliferation may overcome the rejection over Capon et al. but may raise enablement issues. The Examiner suggested amending the method claims to recite the use of non-saturating concentrations of drug may address enablement concerns, if such a limitation is supported by the specification. The Examiner further stated that the evidence and arguments regarding the effects of saturating concentrations are not applicable to the composition claims.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS[PLLC]

Karen Blöchlinger, Ph.D.
Registration No. 41,395
Direct Dial No. 206.695.1783

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: 6/10/05 Carole Julyan

KBB:cj

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS[PLLC]
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100